



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,505	01/02/2000	MICHAEL HERMAN KOCH	54270/	7382

7590 08/15/2002

FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET NW
SUITE 500
WASHINGTON, DC 200075109

EXAMINER

TALBOT, BRIAN K

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 08/15/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,505

Applicant(s)

KOCH ET AL.

Examiner

Brian K Talbot

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1762

1. The amendment filed 5/28/02 has been considered and entered. Claims 2-15 and 17-18 remain in the application with claims 12-15 being directed toward a non-elected invention.

Hence, claims 2-11 and 17-18 remain in the application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. In light of the amendment filed 5/28/02, the 35 USC 112 second paragraph rejections have been withdrawn.

Claim Rejections - 35 USC § 112

(ball or oval)

4. Claims 2-7 and 18 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for coating a optical fiber, does not reasonably provide enablement for "all non-planar substrates". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 103

5. Claims 1-11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winn et al. (5,168,540) in combination with Donckel et al. (3,860,444).

Art Unit: 1762

Winn et al. (5,168,540) teaches coating a fiber by CVD with a scintillating material. The scintillating material can be a number of metal compounds including zinc oxide (abstract).

Looking at Figure 2, a source gas of the scintillating material (208) is supplied into a deposition chamber (202) where a substrate (212) is located on a holder (210). The substrate can be an optical fiber (col. 2, lines 65-69). The holder (210) can be heated so as to aid in the deposition of the coating material (col. 7, lines 5-30).

Winn et al. (5,168,540) fails to teach heating the source material to provide the gaseous coating material.

Donckel et al. (3,860,444) teaches coating a fiber by CVD wherein the coating material is heated to form a vapor that is subsequently coated on the fiber.

Therefore, it would have been obvious at the time the invention was made to have modified Winn et al. (5,168,540) CVD process by incorporating a "heated source" material as opposed to a source material which is already in gaseous form because of the expectation of achieving similar results.

With respect to claim 9-11, the claims recite "clamping" the fiber substrate. While the Examiner acknowledges the fact that Winn et al. (5,168,540) teaches gluing the fiber substrate to the holder, it is the Examiner position that one skilled in the art at the time the invention was made would have had a reasonable expectation of achieving similar results regardless of the holding mechanism utilized. Furthermore, the use of "clamps" to hold a substrate such as a fiber for coating is convention in the coating art.

glue Pg 7. ex. 2
glue all or a portion i. many part exposed
changes to describe fiber not in conventional fashion! *
reference to show clamps in conventional for coating fibers

Response to Amendment

6. Applicant's arguments filed 5/28/02 have been fully considered but they are not persuasive.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Talbot whose telephone number is (703) 305-3775. The examiner can normally be reached on Tuesday-Friday 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck can be reached on (703) 308-2333. The fax phone numbers for the

Application/Control Number: 09/403,505

Page 5

Art Unit: 1762

organization where this application or proceeding is assigned are (703) 305-6078 for regular communications and (703) 305-6357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3775.



Brian K Talbot
Primary Examiner
Art Unit 1762

BKT
August 13, 2002